

LEONARDO M. RAPADAS
 United States Attorney
 TIMOTHY E. MORAN
 Assistant United States Attorneys
 DISTRICT OF THE NORTHERN
 MARIANA ISLANDS
 Horiguchi Building, Third Floor
 P.O. Box 500377
 Saipan, MP 96950
 Telephone: (670) 236-2982
 Fax: (670) 236-2985
 Attorneys for United States of America

UNITED STATES DISTRICT COURT
 NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,)	Criminal Case No. 05-00027
)	
Plaintiff,)	
)	GOVERNMENT'S MEMORANDUM IN
v.)	OPPOSITION TO DEFENDANT'S
)	MOTION TO APPOINT INTERPRETER
ZHENG, MING YAN,)	
)	Date: August 14, 2006
Defendant.)	Time: 8:00 a.m.
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)	

COMES NOW the plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Leonardo M. Rapadas, United States Attorney, and Timothy E. Moran, Assistant United States Attorney, and hereby files its memorandum in opposition to appoint an interpreter. The Government respectfully requests that the Court deny the defendant's motion for the reasons below.

I. THE DEFENDANT'S MOTION IS UNTIMELY.

This motion is untimely for two reasons. First, at the pretrial conference on Thursday, August 10, 2006, after some discussion, the parties agreed – over the government's objection – that each party would provide its own interpreter for its own examinations. As the Court noted,

1 it has routinely used this procedure in this district. The Court concluded by instructing that any
2 party wishing to object must notify the Court by 4:30 that day. The defendant filed this motion
3 at 4:27 the following day, which was a full day after the Court's deadline.

4 Second, this motion is untimely because it is simply too late to permit the desired
5 response. The defendant filed the motion at the end of the Friday before trial is scheduled to
6 begin, after the clerk's office has closed. The trial starts on Monday. The day of the trial is too
7 late to find and vet a court-appointed interpreter. Furthermore, simply requesting the
8 appointment of a "qualified, neutral interpreter" does not necessarily make one available on the
9 island of Saipan. There are no court-certified interpreters on Saipan. In the court's experience,
10 qualified interpreters are hard to find on Saipan. Furthermore, virtually all of the interpreters on
11 island have worked, at one time or another, for the government or defense attorneys.
12 Accordingly, it is unlikely that there is a "qualified, neutral interpreter" available.

13 II. THE USE OF THE GOVERNMENT'S INTERPRETER IS PROPER.

14 The Government's use of its interpreter is proper as the defendant has made no showing
15 of bias. The defendant bases her allegations primarily on the assumption that the Government
16 will call its neutral interpreter as an expert witness at trial. In fact, the Government plans to use
17 one interpreter and call an entirely different interpreter as its expert witness regarding the
18 translation of certain recordings in this case. Accordingly, there is no concern over the
19 interpreter appearing as a witness adverse to the defendant.

20 Furthermore, the defendant has not made a showing of bias simply because the
21 Government's interpreter is a contract linguist for the FBI. See Siripongs v. Calderon, 35 F.3d
22 1308, 1318 (9th Cir. 1994). As discussed above, on Saipan, the interpreters routinely work for
23 one side or the other. Additionally, there are procedural safeguards present. First, the interpreter
24 will be bound by the oath taken pursuant to Fed. R. Evid. 604. Second, as the Court suggested,
25 the defendants will have their interpreters present who can raise any issues with the translation
26 by way of objection.

27 The Court has discretion to use the Government's interpreter under 28 U.S.C. § 1827,
28 because, in the absence of "certified interpreters," the Court must use otherwise qualified

1 interpreters. In fact, pursuant to 28 U.S.C. § 1827(c)(2), the “United States attorney is
2 responsible for securing the services of such interpreters *for government witnesses.*” (emphasis
3 added.) There can be no question about the qualifications of the Government’s interpreter, who
4 is a contract linguist for the the FBI; holds a B.A. equivalent degree in English from Xian
5 Foreign Languages University in China and an M.A. in English as a Second Language from
6 Azusa Pacific University; and she spent twenty years in China.

7 III. CONCLUSION

8 For the reasons stated above, the Government respectfully requests that the Court deny
9 the defendant’s motion for court appointed interpreter and follow the procedure previously
10 instituted.

11
12 Dated: August 13, 2006
13 Saipan, CNMI

14 LEONARDO M. RAPADAS
15 United States Attorney
16 District of the Northern Mariana Islands

17 By: /s/
18 TIMOTHY E. MORAN
19 Assistant U.S. Attorney
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